

ORIGINAL

CLERK OF DISTRICT COURT  
NORTHERN DIST. OF TX  
FORT WORTH DIVISION  
FILED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

2023 APR 17 PM 3:38

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Cause No.: 4-23CV-371-0

LEWIS BROOKS MCKENZIE,	)	In a removal from the 233 <sup>rd</sup> Judicial
Plaintiff-Petitioner,	)	District Court of Tarrant County, TX
	)	State case number: 233-651265-18
v.	)	
	)	
STATE OF TEXAS, HOLLY HAYES, and	)	FORMAL DEMAND FOR JURY TRIAL
KELLI MARIE (RAYBURN) MCKENZIE,	)	
Defendant-Respondents.	)	CONSTITUTIONAL CHALLENGES
	)	
	)	INJUNCTIVE RELIEF REQUESTED

**Memorandum for Clerk**

**\*\*\* ATTENTION: INTAKE CLERK**

[And as nature-of-suit summary for the Court, counsel, and parties]

I respect and appreciate your time and attention to this provision of minimal details necessary to ensure proper new case intake, as follows:

This new case *is* a removal, but it is **not** a “normal” removal under Section 1441 or any of its six sibling statutes, all of which “normal” types of removal seek within federal court to continue the exact same state court case nature, still with the very same original causes of action, and still amongst the same parties originally named, to an eventual conclusion.

*This* new case is a much rarer type of removal under Section 1443, which is wholly inapposite to the seven “normal” types of removal. Section 1443 removal, *instead*, seeks simply to strike down the entire instant state court case as void, because the state case itself *cannot even exist in the first place*, being fatally based upon rogue state statutes which are facially unconstitutional.

Section 1443 removal **changes and transforms the very nature of the case removed**, into a new direct federal challenge in facial unconstitutionality of said state statutes, hence **the new**

**primary parties at this federal level** are myself as the removal petitioner (*the new primary plaintiff party*) prosecuting the State (*the new primary defendant party*) over its same said faulty statutes. Only the State may defend its own statutes, and it has a duty to so defend.

**Accordingly, the correct docketing of this new case is:** (a) Section 1443 removal, *not falsely as Section 1441 or otherwise*; (b) nature of suit code 950 - Constitutionality of State Statutes, *not falsely as 440 - Other Civil Rights or otherwise*; and (c) the parties and party juxtapositions are exactly as shown by the new federal-level case styling displayed above, *not as falsely repeating the old party labeling and party juxtapositions of the instant state case below*.

Directly related, I have properly included herewith my formal Notice of Constitutional Questions to Texas State Statutory Schemes (my formal Notice of said facial challenges to said state statutes), which triggers the Court's duty to promptly certify that fact of raising said challenges unto the State's Attorney General. 28 USC § 2403(b). Likewise, my separate formal Notice of Constitutional Questions against federal statute 28 USC § 1443 triggers the Court's same duty to certify the same unto U.S. Attorney General Garland. 28 USC § 2403(a). Please ensure both such certification duties are promptly fulfilled.

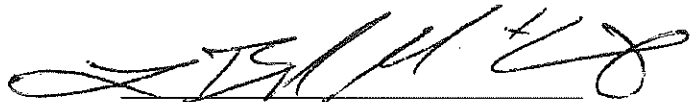
The United States is properly shown in the above case styling as Intervenor in these matters, as the United States has five (5) separate statutory interventions triggered herein, i.e., the United States is required to be an intervenor party, including via both statutorily-mandated aspects and statutorily-optional aspects herein (patterns and practices of federal rights violations generally, Consumer Credit Protection Act, False Claims Act, federal rights violations specifically within public accommodations, and regarding said challenges raised to federal statute 28 USC § 1443).

Lastly, Defendant (Rayburn) McKenzie is already a formal party in and from the instant state court case now removed, hence there are already formal parties herein without requiring any new

service of process, whereas all other parties are new Cross-Defendants who are being served or receiving requests for waivers of service or who may yet require formal service of process incurred later at their own expense. See the Certificate of Service just below for easy reference of all same said party descriptions/labels/positions.

I truly respect and appreciate your time and attention to these necessary details provided for successfully proper new case intake of this much rarer and special type of removal. Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'LB McKenzie', written over a horizontal line.

Lewis Brooks McKenzie  
706 W. 4<sup>th</sup> St.  
Clarksville, Texas 75426  
Tel: 972-837-5678  
Email: LBMTCU@gmail.com  
*Plaintiff-Petitioner Party of Record*

CERTIFICATE OF SERVICE

I hereby certify: that on this 17 day of April, 2023, a true and complete copy of the above *notice of and verified petition for removal and criminal complaint upon human trafficking*, by depositing same via certified first class postage prepaid mail, RRR via USPS, if not performed via formal process server, has been duly served upon:

*(Statutory Intervenor United States)*  
c/o U.S. Attorney General Merrick Garland  
Office of the United States Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

*(Statutory Intervenor United States)*  
c/o U.S. Attorney Ashley C. Hoff  
Office of the U.S. Attorney TXWD  
903 San Jacinto Blvd  
Suite 334  
Austin, TX 78701

*(Cross-Defendant State of Texas)*  
State of Texas  
c/o Secretary of State Executive Office  
P.O. Box 12887  
Austin, TX 78711-2887

*(Cross-Defendant State of Texas)*  
State of Texas  
c/o Attorney General W. Kenneth Paxton  
P.O. Box 12548  
Austin, TX 78711-2548

*(Cross-Defendant Holly Hayes)*  
Holly Hayes  
c/o Child Support Enforcement  
2001 Beach St., STE 800  
Fort Worth, Texas 75103-2300

*(Counter-Defendant Kelli Marie (Rayburn) McKenzie)*  
Kelli Marie (Rayburn) McKenzie  
7913 Hannah St  
Plano, TX 75025-6203



Lewis Brooks McKenzie